

Environmental Protection Agency



Ethics Resource Guide

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I. Introduction

A. Welcome

Welcome to the U.S. Environmental Protection Agency (EPA). As a new employee, you are required to receive an ethics orientation within 90 days of the date of your entrance on duty in accordance with the Standards of Ethical Conduct for Employees of the Executive Branch. [5 C.F.R. § 2638.304](#). To satisfy this requirement, you are being provided with this Ethics Resource Guide. You also must complete the online [new employee ethics training](#).

You must comply with certain ethical standards as a federal employee. This Guide provides a general summary of the rules and examples of situations that you may face at EPA. Your supervisor has a heightened personal responsibility for advancing government ethics and must serve as a model of ethical behavior for his or her subordinates.

If you are ever unsure of your actions or have an ethics question, contact your Deputy Ethics Official (DEO), assistant DEO, regional ethics counsel or the Office of General Counsel/Ethics. Please visit EPA's [ethics website](#) at <http://intranet.epa.gov/ogc/ethics.htm> for a roster of all DEOs and the ethics officials, as well as applicable statutes and regulations, quick tips and advisories, online training courses and helpful research and guidance information.

Public service is a public trust. As federal employees, we must place loyalty to the Constitution, laws and ethical principles above private gain. Knowing, understanding and following the standards of ethical conduct are essential elements in fulfilling that trust.

B. Connecting the U.S. Office of Government Ethics and the EPA Ethics Program

The U.S. Office of Government Ethics

The [U.S. Office of Government Ethics](https://www.oge.gov) (OGE) is an agency of the executive branch of government that was created by the Ethics in Government Act of 1978. OGE is responsible for overseeing ethics for the executive departments and agencies.

OGE provides guidance and direction for executive branch policies to help ensure high ethical standards on the part of agency employees. The Office also serves as the “supervising ethics office” for public and confidential financial disclosure reporting.

In addition, OGE advises the White House and executive branch Presidential appointees on government ethics matters and oversees all OGE rules, regulations, formal advisory opinions and major policy decisions.

The OGE Office of General Counsel develops regulations, issues informal ethics advisory opinions and facilitates agency referrals of criminal conflict of interest violations to the Department of Justice.

OGE promotes the understanding of ethical standards through training courses and instructional materials.

To ensure compliance with ethics regulations and requirements, OGE conducts periodic audits of the ethics programs of agencies. The OGE website is www.oge.gov.

The EPA Ethics Program

[EPA Order 1000.28A](https://www.epa.gov/ethics/epa-order-100028a) assigns the responsibility for decisions regarding EPA’s ethics program, including the delegations of authority.

Ethics Staff –

The Designated Agency Ethics Official (DAEO) is responsible for overseeing the ethics program for the Agency. The Principal Deputy General Counsel serves as the DAEO.

The Alternate Agency Ethics Official (AAEO) serves as the alter ego of the DAEO when the DAEO is not available. The Senior Counsel for Ethics is the AAEO.

There currently are four other ethics officers, who complete the Office of General Counsel Ethics (OGC/Ethics) team. They assist with the day-to-day administration of EPA’s ethics program.

This team provides consistent guidance to political appointees, all members of the Senior Executive Service, the Office of General Counsel and the 150 Deputy Ethics Officials (DEOs). They also provide ethics training for the Agency and approve agency travel reimbursement from outside sources.

Each EPA region and program office has a DEO. Regional DEOs are supported by at least one ethics attorney.

II. Ethics Questions

A. Contact Information

When you have an ethics question, contact your Deputy Ethics Official (DEO) or another ethics official. A [list of DEOs](#) is on the EPA ethics website.

If your DEO is not available, contact the OGC Ethics office at ethics@epa.gov.

B. The EPA Ethics Website

The [ethics website](#) is at: <http://intranet.epa.gov/ogc/ethics.htm>. It is a one-stop center for ethics. On the website, you will find information about EPA's ethics officials, ethics guidance and policy categorized by topic, instructions for obtaining approval for travel and frequently asked questions.

The website also provides links to the [government-wide ethics regulation](#), 5 C.F.R. Part 2635; the [EPA supplemental ethics regulation](#), 5 C.F.R. Part 6401, which includes rules for EPA employees concerning prohibited financial interests and outside employment; and the [OGE web site](#), www.oge.gov, where you will find a wealth of information about ethics including:

- Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635;
- Regulations issued by or affecting OGE and its mission;
- Criminal statutes, 18 U.S.C. §§ 201-209;
- Updated ethics information (legal and program advisories and DAEOgrams);
- OGE ethics opinions;
- Informational resources and reference/educational materials including training games; and
- Other information, including links to related sites.

III. The General Principles of Public Service

Each employee has a responsibility to the United States government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain.

To ensure that every citizen can have complete confidence in the integrity of the federal government, each employee is required to adhere to the following general principles of public service as well as the implementing standards contained in the [Standards of Ethical Conduct for Employees of the Executive Branch](#) and [EPA supplemental ethics regulation](#).

General Principles of Public Service: *The “Do’s” and “Don’ts” of Public Service*

Do’s ...

- Do place loyalty to the Constitution, the laws and ethical principles above private gain.
- Do act impartially to all groups, persons and organizations.
- Do give an honest effort in the performance of your duties.
- Do protect and conserve federal property.
- Do disclose waste, fraud, abuse and corruption to appropriate authorities.
- Do fulfill in good faith your obligations as a citizen, and pay your federal, State and local taxes.
- Do comply with laws providing equal opportunity to all persons, regardless of their race, color, religion, sex, national origin, age or handicap.

Don’ts ...

- Don’t use nonpublic information to benefit yourself or anyone else.
- Don’t solicit or accept gifts from persons or parties that do business with or seek official action from EPA (unless permitted by an exception).
- Don’t make unauthorized commitments or promises that bind the government.
- Don’t use federal property for unauthorized purposes.
- Don’t take jobs or hold financial interests that conflict with your government responsibilities.

IV. The Rules

A. Gifts

1. Gifts from Outside Sources

Rule: You may not accept a **gift** given because of your **official position**, or by a **prohibited source**.

What **is** a **Gift**? A gift is anything of monetary value, such as training, meals and lodging, a ticket to a sporting event, transportation or other services.

What **is NOT** a gift? A gift does not include:

- Modest items of food and refreshments (like coffee and donuts) when not served as part of a meal.
- Prizes in contests open to the public.
- Greeting cards and items with little intrinsic value, such as plaques, certificates and trophies, intended only for presentation.
- Commercial discounts available to the public or to all government personnel.
- Anything the government acquires by contract or otherwise legally accepts.
- Anything for which you personally pay market value.
- An offer of free attendance to an event on the day you are presenting in your official capacity.

Example: You may accept a cup of coffee offered by a contractor at no charge.

Example: If you enter your business card in a drawing sponsored by an EPA contractor that is open to the public, you may keep the prize.

Example: Talia, an air modeling expert in ORD, is presenting at a one-day asthma conference in her official capacity. Healthy Lungs for All, the sponsor of the conference, offers free attendance, including lunch, to all presenters. Talia may accept the free attendance and meal on the day she presents.

What is a **prohibited source**? A prohibited source is any person who is or any organization a majority of whose members are:

- Seeking official action by EPA,
- Doing or seeking to do business with EPA,
- Regulated by EPA, or
- Substantially affected by the performance of your official duties.

Gifts You May Keep

You are never required to accept a gift. It may be prudent, depending on the circumstances, to decline a gift even where an exception permits you to accept one. Here are some commonly used exceptions:

- Gifts valued at **\$20 or less**, but not cash or investment interests, and **not more than \$50** in total gifts **from one source in a calendar year**.

Example: Patty, an EPA employee, meets informally every week with representatives of EPA contractors, who often treat her to a small breakfast. Although she may accept one or two of these small breakfasts under an exception, Patty's recurring practice of accepting them is improper.

Example: An employee of an EPA contractor offered Tom, an EPA employee, two tickets valued at \$30 each to a baseball game. Since the price of each ticket exceeds the \$20 limit, Tom may only accept the tickets if he pays the contractor \$60, the full market value of the tickets. (Paying only \$40 is not permissible.)

- Gifts motivated by **personal relationships**.

Example: On each of his quarterly visits, a sales representative of Overpriced Computers Inc. gave Bonnie, an EPA employee, a company t-shirt valued at \$10. During that period, Bonnie's brother Steve, who also works for Overpriced Computers Inc., purchased for her a birthday present valued at \$60 out of personal funds. Bonnie may keep all of the gifts given to her. The t-shirts don't exceed the \$50 annual limit from one source and the gift from her brother is the result of a personal, not business, relationship.

- Certain **discounts** and similar benefits offered:
 - by professional organizations;
 - to groups unrelated to government employment (such as AARP);
 - to groups in which membership is related to government employment, if the same benefits are available to other, similar organizations (e.g. discounted loans to government credit union members); or
 - by a non-prohibited source to any group as long as membership in the group does not discriminate on the basis of grade, type of responsibility or pay (e.g., you cannot accept a gift only offered to GS-15s or higher).
- Gifts resulting from **your or your spouse's outside business activities**.
- Gifts accepted under specific **statutory authority**, such as certain gifts from a foreign government that have a value of less than \$390.00.

- **Free attendance**, food and entertainment (not travel or lodging) **when provided by a sponsor** of a widely attended gathering (WAG), provided your DEO determines *in writing* your attendance is in the Agency's interest. If the sponsor has interests that may be affected by you, an additional conflict of interest determination is required.

Example: Because of his EPA position, a chemical trade association invites Jared, an EPA employee, to an industry-wide seminar sponsored by the association, a \$200 value. He is also invited to dinner, which costs \$100, at a restaurant after the seminar with several industry executives. Jared may accept the seminar invitation, provided his DEO determines his attendance furthers EPA's interests. Jared may not accept the free dinner invitation, which is not part of the seminar and is closed to other interested participants.

- **Free attendance**, food and entertainment (but not travel) **provided by a person other than the sponsor** of a widely attended gathering, if:
 - the market value of the gift of free attendance is \$390.00 or less and more than 100 persons are expected to attend, and
 - your DEO determines *in writing* your attendance is in the agency's interest. If the person has interests that may be affected by the employee's duties, an additional conflict of interest determination is required.

Example: An environmental organization holds an annual dinner, which costs \$125 per person. Representatives from environmental groups, Congress, and the media will attend. Several EPA employees are given free tickets by Friends of the Environment. At the dinner, private citizens will be honored. Since a wide range of people will be attending the event, the EPA employees may be able to accept the free tickets if their ethics official determines more than 100 persons are expected to attend the event and there is an agency interest in the EPA employees' attendance.

- Meals, lodging, transportation and other benefits in connection with **employment discussions**.
- **Awards** for meritorious public service or achievement and honorary degrees (contact your DEO if you are offered a cash award.)
- Gifts of food and entertainment (not to exceed the per diem rate) at meetings or events attended in an official capacity in **foreign areas**, when:
 - not provided by a foreign government and
 - non-U.S. citizens participate in the meeting or event.
- Certain educational or instructive **Informational Materials** with an aggregate market value of less than \$100 in any calendar year from any one source.

Things to Keep in Mind About Otherwise Permissible Gifts

You are never required to accept a gift. You should consider declining an otherwise permissible gift if you believe a reasonable person with knowledge of the relevant facts would question your integrity or impartiality as a result of accepting the gift.

If you accept a gift permitted under an applicable exception, you will not violate the gift rules. Rather, you are encouraged to incorporate the government's ethical values before accepting a gift, and to consult with an ethics official early and often.

A Few Things You Are Never Permitted to Do

Regardless of any exceptions that allow accepting gifts, ***you may never***:

- Accept a gift in return for being influenced to perform or not perform an official act;
- Solicit or coerce the offering of a gift; or
- Accept gifts from the same or different sources so frequently that a reasonable person would think you're using your public office for private gain.

***Example:** Jane, an EPA employee and expert on PCB contamination, is asked to speak at a privately sponsored conference on PCB-contaminated river sediment cleanups. Jane has been approved to attend the conference as part of her official duties, but only if a non-federal source pays her registration and travel costs. What should Jane do?*

- Jane **may not** ask the host of the conference to cover the costs of her attendance at the conference, nor may she tell the host that she can only attend if someone else pays for her (this is akin to asking).
- Jane **may**:
 - simply state, "I won't be able to join you due to the current travel restrictions on our agency." Then she must wait and hope that the host organization offers to pay instead.
 - ask whether the host organization has a system in place that allows it to cover the costs of speakers at its events. This not asking that the organization pay; it is inquiring whether the organization may or typically does pay. If it does, again, Jane must wait and hope the host organization offers to cover her costs.

Under no circumstances may Jane ask if the host is willing to pay for her or make a statement that could be interpreted as a request to have her expenses covered.

Disposition of Improper Gifts

Rule: If you are offered a gift that you cannot accept, you must:

- decline the gift,
- return the gift, or
- pay the donor the fair market value of the gift.

If the gift is a tangible item and valued at less than \$100, you may destroy it.

Under certain circumstances, perishable items may be:

- donated to charity (after consultation with an ethics official),
- destroyed, or
- shared with the office (check with your DEO).

2. Gifts between Employees

Rule: You may not accept a gift from an employee who earns less pay than you unless you have a personal relationship with the employee *and* are not in their supervisory chain.

Rule: You may not give, make a donation toward, or solicit a gift for an official superior.

Exceptions to the Rule

On an occasional basis, including occasions when **gifts are traditionally given**, you may give to an official superior or receive from any employee receiving less pay the following:

- non-monetary gifts of up to \$10,
- personal hospitality provided at a residence (or an appropriate host gift), or
- food or refreshments shared in the office.

On **special, infrequent occasions**,

- such as marriage, illness, or birth or adoption of a child, or
- occasions that terminate the supervisory chain, such as retirement, resignation, or transfer, you may:
 - solicit voluntary contributions up to \$10/person for a group gift, and
 - give an appropriate gift to a superior.

Example: Doreen decides to retire from EPA. Bill, who works for Doreen, gives her a \$20 book and solicits for a going-away gift. He would like to get her a golf-related desk set that costs about \$50. Bill may give the \$20 book, as it is an appropriate gift. Bill may also solicit for a gift among his co-workers, so long as people understand that the contribution is voluntary. He also may contribute toward the group gift.

B. Conflicts of Interest

Definition: A “conflict of interest” is a personal interest or relationship, as defined by law or regulation, that conflicts with the faithful performance of official duty.

Rule – 18 U.S.C. § 208: You are prohibited by a criminal statute from participating personally and substantially in an official capacity in any particular matter in which, to your knowledge, you or any person whose interests are imputed to you has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

Persons whose interests are imputed to you include:

- Your spouse;
- Your minor children;
- Your general partner;
- Organizations with which you are negotiating or have arrangements for future employment; and
- Any organization for which you serve as an employee, officer, director, trustee, or general partner.

Example: Bryan, an EPA procurement officer, is about to award a contract for new computers. His wife, Deanna, owns a computer sales business, which has a bid on the contract. Bryan may not participate in the contract award decision, since the decision will have a direct and predictable effect on his wife's financial interests, which are imputed to him.

If you think you may have a conflicting financial interest, consult with your DEO to determine the appropriate remedy.

Resolution of a Conflict of Interest

There are three options for resolving conflicts of interest:

- **Disqualification**, which results in reassignment or a change of duties;
- **Divestiture** (with a possibility of a certificate of divestiture to minimize tax consequences); or
- **Waiver**. EPA may determine that a disqualifying financial interest in a particular matter is not so substantial as to be deemed likely to affect the integrity of your services to the government. Only OGC/Ethics may grant these waivers, after consultation with OGE, and it does so rarely.

Exemptions

OGE issues regulatory exemptions of general applicability when it determines that particular interests are too remote or too inconsequential to affect the integrity of the services of employees to whom those exemptions apply. For example, there is a \$15,000 *de minimis* exemption for stock ownership of publicly traded companies. See [5 C.F.R. § 2640.202](#).

Appearance of a Conflict – 5 C.F.R. § 2635. 502 (if no 18 U.S.C. § 208 problem)

When you determine circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality, you should not participate in the matter unless you have informed your supervisor and received authorization from the DEO.

Procurement Integrity Act - 41 U.S.C. § 423

If you are participating personally and substantially in a contract for procurement in excess of the simplified acquisition threshold and contact or are contacted by a bidder or offeror regarding possible non-federal employment, you must:

- Report the contact in writing to your supervisor or to an ethics official, and
 - Reject the possibility of employment or disqualify yourself from further participation in this acquisition or until the agency authorizes you to resume; or
 - Disqualify yourself until an ethics official allows you to participate.
-
- **GAO letter dated 11/19/1999**: Notwithstanding the statutory and regulatory prohibitions concerning conflicts of interest, the Government Accountability Office has opined that procurement officials are required to do more than merely refrain from violating a criminal statute: they are instructed by the Federal Acquisition Regulation (FAR) to act “in a manner above reproach” and consistent with “an impeccable standard of conduct” so as to “avoid strictly any conflict of interest or even the appearance of a conflict of interest.” See [48 C.F.R. § 3.101-1](#).

C. Impartiality in Performing Official Duties

Rule: Maintain your impartiality. Don’t participate in a particular matter if:

- the matter is likely to affect the financial interest of a member of your household, or if a person with whom you have a “covered relationship” is involved in the matter, and
- a reasonable person with knowledge of the relevant facts could question your impartiality.

If circumstances other than those described above raise questions about your impartiality, contact your ethics official to determine if you should participate in the particular matter.

Who may be in a “covered relationship”?

- A member of your household or a relative with whom you have a close personal relationship,
- Someone with whom you have or seek to have a business relationship, other than a routine consumer transaction;
- An organization (other than a political party) in which you actively participate;
- Someone with whom you had, within the last year, a close business relationship, such as a partnership or employment relationship; or
- Someone with whom your spouse, parent, or dependent child has (or seeks to have) a business relationship, such as partnership or employment relationship.

Example: An attorney left the New Jersey Department of Environmental Protection six months ago and joined EPA Headquarters. During her first year at EPA, the attorney may not work on any cases in which NJDEP is a party because she has a covered relationship with her former employer.

Example: A Vice President at Computers, Inc. (CI) resigned to become a senior official in EPA. Shortly after his arrival, the official's office is tasked to decide whether to renew CI's contract with EPA. Because the senior official was employed by CI within the last year, he may not make the decision.

D. Financial Disclosure Reporting

1. Confidential Financial Disclosure and OGE Form 450

EPA designates certain employees to file the Confidential Financial Disclosure Report ([OGE Form 450](#)) to assist them in avoiding a real or apparent conflict of interest. EPA makes this decision based on the duties and responsibilities of your position.

Information that you report on the OGE Form 450 includes: certain assets and income, certain liabilities, outside positions (even those for which an outside activity approval is not required), agreements and arrangements related to past and future employment, and gifts and travel reimbursements.

As a new hire, if you are required to file a Form 450, you must submit your form within 30 days of assuming your new position. You also will be required to file the form annually.

2. Public Financial Disclosure; OGE Form 278 and the STOCK Act

Under the Ethics in Government Act of 1978, high-level federal officials must publicly disclose their personal financial interests to ensure confidence in the integrity of the federal government by demonstrating they are able to carry out their duties without compromising the public trust.

You must file the public financial disclosure form, [OGE Form 278](#), if you are a Confirmed Presidential appointee, Senior Executive Service employee (and employees in comparable positions under other pay systems), Administrative Law Judge, Title 42 appointment, SL/ST employee, AD appointee or Schedule C employees. You file the OGE Form 278 directly with the DAEO or the AAEO, who are in OGC.

The STOCK Act

The Stop Trading on Congressional Knowledge Act (STOCK Act) of 2012 significantly impacts all employees who file OGE Form 278. Under this law, if you are a public filer, you now have several additional requirements:

- You must report certain transactions periodically;
- Your reports (including transaction reports) will be published on the internet; and
- You must notify OGC/Ethics within three days of commencing negotiations for post-EPA employment.

E. Outside Activities

1. EPA Supplemental Ethics Regulation

Rule: The [EPA supplemental ethics regulation](#), 5 C.F.R. Part 6401, requires you to obtain prior written approval from your DEO before engaging in certain outside activities. The regulation is attached as **Appendix A**.

2. Representation of Matters before a Federal Agency or Court, 18 U.S.C. §§ [203](#) & [205](#)

Rule: You generally may not represent anyone outside the government before a federal agency or court, or share in any compensation for such representations made by anybody else, if the U.S. government is involved in the particular matter.

Rule: You may not engage in outside employment or any other outside activity, with or without compensation, that conflicts with your official duties. An activity conflicts with your official duties if:

- it is prohibited by statute or by EPA supplemental regulation 5 C.F.R. § 6401.103; or
- under the standards set forth in 5 C.F.R. §§ 2635.402 and 2635.502, it would require you to disqualify yourself from matters so central or critical to the performance of your official duties that your ability to perform your duties would be materially impaired.

- There are limited exceptions (e.g., Intergovernmental Personnel Act [IPA] assignments).
- Check with your DEO.

3. **Supplementation of Federal Salary, [18 U.S.C. § 209](#)**

Rule: You may not accept compensation from any source except the government for your services as a government employee. The rule does not apply if:

- You are a “special government employee,” or
- You serve without compensation, or
- Your supplementation is a result of the public service award.

F. **Misuse of Your Government Position**

1. **Use of Public Office for Private Gain**

Rule: You may not use or permit the use of your government position or title or any authority associated with your office to:

- Induce or coerce another person to provide any benefit to you or anyone with whom you are affiliated,
- Imply that EPA or the government sanctions or endorses your personal activities or those of another,
- Endorse any product, service or enterprise, except as provided by statute or regulation.

***Example:** The EPA General Counsel has been asked by her college to serve on the board of Alumni Association. She may serve in her personal capacity, but may not allow her position as General Counsel to be used on the college letterhead or other promotional literature.*

2. **Use of Nonpublic Information**

Rule: You may not engage in a financial transaction using nonpublic information, nor allow the improper use of nonpublic information to further your own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure.

Nonpublic information is information you gain access to because of federal employment and you know or reasonably should know has not been made available to the general public. It includes information that:

- is routinely exempt from disclosure under 5 U.S.C. § 552 or otherwise protected from disclosure by statute, Executive Order or regulation;
- is designated as confidential by an agency; or
- has not actually been disseminated to the general public and is not authorized to be made available to the public on request.

Example: Eric, an EPA employee is involved in evaluating proposals for a computer contractor. Eric cannot disclose the terms of a competing proposal to a friend employed by a company bidding on the work.

Prior to award of the contract, bid or proposal information is nonpublic information specifically protected by [41 U.S.C. § 423](#).

3. Personal Use of Government Resources

Rule: EPA's personal limited use policy provides that you may use government office equipment only for authorized purposes. Limited personal use is authorized during non-work time if:

- it involves minimal additional expense to the government;
- it does not reduce your productivity or interfere with your official duties or the official duties of others;
- you are already authorized to use the equipment for official government business; and
- it is legal and appropriate.

Managers and supervisors may further restrict personal use based on the needs of the office or problems with unauthorized or inappropriate use in the office.

See [Policy on Limited Personal Use of Government Office Equipment](#), EPA Order 2101.0 at **Appendix B**.

Example: Oliva, who is the deputy director of an EPA office, serves as the President of her Homeowner's Association in her personal capacity. Oliva may not ask her secretary to type her speech for an upcoming homeowner's association meeting nor may she use the EPA copier to make 200 copies of the Association's 50-page bylaws to be handed out to the homeowners at an upcoming meeting.

4. Use of Official Time

Rule: You must use official time in an honest effort to perform official duties and not ask subordinates to perform tasks outside of their official duties.

5. **Bribery and Graft, [18 U.S.C. § 201](#)**

Rule: You may not seek or accept anything of value, other than your salary, for or because of any official act or omission.

G. **Teaching, Speaking, and Writing**

Rule: If the teaching, speaking, or writing activity is related to your official duties, you may not accept payment for the activity from any source other than the government. [5 C.F.R. § 2635.807](#).

Rule: If you are teaching a course as an outside employment activity that requires multiple presentations by you, you may accept compensation even though the matter pertains to your official duties, if the course is offered as part of the regularly established curriculum of an accredited school such as a university.

EPA's Supplemental Ethics Regulation at [5 C.F.R. § 6401.103](#) requires you to obtain approval from your DEO prior to engaging in such activity whether or not you are compensated. (See *Outside Activities, E.1. above*)

Use of Your Official Title

You are not permitted to use your government position or title or any authority associated with your public office in a manner that could be construed to imply that EPA or the government sanctions or endorses your personal activities or those of another, [5 C.F.R. § 2635.702\(b\)](#).

***Example:** Big Contractor, Inc., has offered Marilyn, an ethics attorney at EPA, \$1,500 to teach a one-day course on federal ethics to its employees. Because the topic relates to her official duties, she may not accept the compensation.*

***Example:** Georgetown Law School has offered Steve, an environmental attorney at EPA, \$2,500 to teach a semester long course in environmental law. The course is taught semester after semester. Steve may accept the compensation under 5 C.F.R. § 2635.807(a)(3), if he obtains prior approval from his DEO. 5 C.F.R. § 6401.103.*

***Example:** Janet is an attorney at EPA and was asked to write an article for a legal journal on the attorney-client privilege. Janet may mention that she is an attorney with EPA as part of her general background information, but she must include a disclaimer such as "The views expressed in this paper are those of the author and do not necessarily represent those of U.S. EPA. No official Agency endorsement should be inferred."*

You may use, or permit the use of, your title or position in connection with an article published in a scientific or professional journal, provided your title or position is accompanied by a reasonably prominent disclaimer satisfactory to the Agency stating the work was not undertaken as part of your official duties and the views expressed in the article do not necessarily represent the views of EPA or the United States. For example:

This work is not a product of the United States Government or the U.S. Environmental Protection Agency. The author/editor is not doing this work in any governmental capacity. The views expressed are his/her own and do not necessarily represent those of the United States or U.S. EPA.

[5 C.F.R. § 2635.807\(b\)\(2\)](#). This [disclaimer chart](#) describes when and how disclaimers should be used. It also is Appendix D.

H. Fundraising

Rule: You may raise funds for organizations in your personal capacity as long as:

- you do not solicit on government property;
- you do not use your official title, position or authority to fundraise;
- you do not solicit subordinates; and
- you do not solicit prohibited sources.

Political fundraising in your personal capacity is prohibited by the Hatch Act, covered below in Section L.

I. Employment Issues

1. Seeking Employment

Rule: If you are seeking non-federal employment (e.g., sending resumes to select employers) or if you are negotiating for non-federal employment, you may not do government work on a particular matter that will affect the financial interests of any of your prospective employers. You must give a written disqualification to your supervisor.

Example: *Janelle, a procurement specialist, is doing work as a government employee on a contract worth \$500,000. The contractor offers her an interview for a job. Unless and until she declines the interview, Janelle must disqualify or recuse herself from work on the contract and inform her supervisor if she agrees to the interview. She also has to recuse from commenting on a bid proposal to which the contractor may later apply.*

2. Post-Government Employment

Rule: EPA requires you to consult with your DEO as part of your out-processing when leaving the Agency. Your DEO will advise you on the restrictions that will apply to your activities in the private sector in light of your specific duties and level of responsibility as a government employee.

A summary of the [federal ethics laws and restrictions that may affect you while looking for a job and after leaving the government](#) is attached as **Appendix C**.

J. Official Travel and Benefits

1. Official Travel

Accepting Travel Expenses from a Non-Federal Source

Each year, EPA accepts more than \$1 million in travel expenses for trips paid by outside sources. EPA is required to report this information to OGE semi-annually.

Rule: The [Ethics Reform Act of 1990](#), as implemented by [41 C.F.R. Part 304-1](#), authorizes EPA to accept official travel expenses for “a meeting or similar function” that is not essential to the Agency’s mission.

You ***must obtain approval*** from your DEO and OGC/Ethics ***prior to accepting*** travel expenses from a non-federal source by completing [EPA Form 2610-3](#), Approval to Accept Travel Expenses under the Ethics Reform Act of 1990. This form is on the EPA ethics website at <http://intranet.epa.gov/ogc/ethics/travel.htm>. For now, the electronic form is available only through Lotus Notes, so you will need an updated Lotus Notes ID and password.

The event must be a “meeting or similar function,” such as a conference, seminar, speaking engagement, symposium, training course or similar event that is not essential to EPA’s mission.

If you are traveling to conduct an audit, do an investigation, conduct a site visit, participate in negotiations or litigation or otherwise perform an agency function, you cannot accept the gift of travel. Similarly, you cannot accept gifts of travel related to promotional vendor training or marketing of the non-federal entity’s products.

The length of the travel cannot exceed 21 days. The source of the money must be a non-federal entity. You cannot accept travel expenses that are wholly or partially paid out of EPA contracts or federal assistance agreements, including matching funds and grants. Payment of travel expenses for spouses may only occur in limited circumstances.

For additional information, see [EPA Ethics Advisory 2001-02](#), NEW – Electronic Approval to Accept Travel Expenses.

Other Laws That Allow Acceptance of Travel from Non-Federal Sources

- When travel begins and ends outside of the borders of the United States, you may be able to accept travel from foreign governments and public international organizations by requesting approval from the Office of International Affairs. See [5 U.S.C. § 7342](#).
- 501(c)(3) non-profit organizations may also provide travel expenses. See [5 U.S.C. § 4111](#) and [5 C.F.R. Part 410, Subpart E](#).
- EPA employees who are detailed to state or local governments, domestic universities or other organizations are authorized to accept travel expenses under separate authorities.

You may use the [EPA Form 2610-3](#) to accept travel expenses under these laws as well.

2. Travel Benefits

You are required to use the EPA-issued travel card for official expenses whenever you are on official travel. Official expenses include transportation, lodging, *per diem* (meals and incidental expenses, which are fees and tips given to porters, baggage carriers, hotel staff and staff on ships) and miscellaneous fees. [41 C.F.R. § 301-2.2](#). Personal expenses, such as newspapers, entertainment and alcohol not consumed as part of a meal are not reimbursable expenses and should not be paid for with a government travel card.

Benefits You May Keep -

- Promotional items (including frequent flier miles/points, upgrades, or access to carrier clubs or facilities) from official travel provided the items are obtained under the same terms as those offered to the general public and are at no additional cost to the government;
- If you are officially authorized to use your personal credit card for a specific travel-related purpose, then you may keep the benefits (e.g., points or frequent flier miles awarded for every dollar charged to the card). It is not expected that you will be authorized to use your personal credit card in connection with official EPA travel;
- Benefits given for voluntarily surrendering your airplane seat while on official travel for a seat on a later flight (you may volunteer ONLY if the delay does not adversely affect your official duties and does not result in additional cost to the government);
- On-the-spot upgrades in transportation or accommodation, if generally available; and
- Benefits, such as “Gold Card Membership,” and any resulting benefits.

Benefits the Government Keeps -

- Vouchers given to compensate you for being involuntarily bumped from a plane;
- Prizes won, while on official travel, in contests closed to the general public;
- Gifts won by you while on official travel at a conference or hotel, or while renting a car, where you have not taken any affirmative action, including:
 - door prizes,
 - buy-one-get-one-free vouchers, and
 - sweepstakes prizes.

K. Social Media

1. Official Capacity

EPA uses social media tools to create a more effective and transparent government, to engage the public and EPA's partners and to facilitate collaboration. This enables EPA to accomplish its mission of protecting human health and the environment. EPA has [policies governing the use of social media in an official capacity](#).

Among other things, you must remember that when you are working online, you are still representing EPA and must abide by the Standards of Ethical Conduct, as well as the federal conflicts of interest statutes and the Hatch Act, and use clear disclaimers when you are not representing EPA. You are "speaking" for EPA when you work online.

2. Personal Capacity

The ethics rules do not prohibit you from establishing and maintaining personal social media accounts; however, your personal social media activities must comply with the Standards of Ethical Conduct and other applicable laws, especially relating to referencing your title or position and appearance of governmental sanction, recommending or endorsing others, seeking employment, disclosing non-public information and personal fundraising.

You may use your personal social media accounts on government-owned office equipment to the extent authorized by EPA's [limited personal use policy](#), which is discussed in Section F.3, above, and is attached as **Appendix B**.

OGE has issued a [legal advisory discussing how the ethics rules apply to personal social media use](#). It is very informative and attached as **Appendix E**.

Example: Josh, a Section Chief in Region 9, may reference his official title in the area of a personal social media account designated for biographical information.

Example: Susan, a scientist in RTP, has a personal account on a job-seeking social media site. Through the site, she is asked to provide a recommendation for Juan, with whom she went to graduate school. Susan may provide the recommendation in her personal capacity, even if her EPA title or position is included in the biographical information section of the site. Similarly, if the site automatically adds her title and employer to posts, it is not a problem. Susan should not, however, affirmatively choose to include her title, position or employer in a personal recommendation except as allowed by 5 C.F.R. § 2635.702(b).

L. Political Activities

Most federal civilian employees may actively participate in political campaigns and other partisan activities on personal time and outside of government space. They may not engage in such activities on duty, or in any federal workplace or vehicle. Certain other restrictions apply as well, e.g., a prohibition on being a candidate for a partisan political office and an absolute prohibition on soliciting, receiving or accepting political contributions in either a personal or an official capacity.

While amendments to the Hatch Act loosened restrictions on political activity for most federal civilian employees, federal laws still limit the political activities of career SES employees. The [Hatch Act](#) table attached at **Appendix F** summarizes the restrictions on political activity for federal employees. If you plan to engage in any partisan political activity, you should consult your DEO.

Example: Kerry likes to post comments on her personal social media account during her lunch hour and she often does so using her government computer. She also is politically active and election season is coming up. Kerry may use her government computer to post on her personal social media account during non-work time, like her lunch hour, as long as the postings are legal and appropriate. She may not, however, advocate for or against a candidate in a partisan political election using her government computer or in the federal workplace—even during her lunch break. Such activity is prohibited by the Hatch Act (doing so off-duty and away from the federal workplace would be okay).

V. Resources

If you ever have an ethics question, contact your DEO or the Ethics Office. A list of DEOs is on the ethics website at: <http://intranet.epa.gov/ogc/ethics/deos.htm>.

Additional ethics information is available at:

1. Standards of Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635)
2. EPA Ethics Website, <http://intranet.epa.gov/ogc/ethics.htm>
3. U.S. Office of Government Ethics Website, www.oge.gov
4. U.S. Office of Special Counsel Website, www.osc.gov, which governs the Hatch Act.

VI. Appendices

- Appendix A [EPA supplemental ethics regulation](#), 5 C.F.R. Part 6401
- Appendix B [EPA Policy on Limited Personal Use of Government Office Equipment](#)
- Appendix C [Seeking and Post Employment Memo](#)
- Appendix D [Disclaimer Chart](#)
- Appendix E [OGE LA 15-03](#), The Standards of Conduct as Applied to Personal Social Media Use
- Appendix F [Hatch Act Table](#) (dated February 2017)